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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,973	11/12/2003	Christopher B. Tomes	114599-003	9415

7590 04/20/2007  
Bell, Boyd & Lloyd LLC  
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Chicago, IL 60690-1135

EXAMINER
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DOBROWOLSKI, AGNES

ART UNIT	PAPER NUMBER
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2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,973	<b>Applicant(s)</b> TOMES, CHRISTOPHER B.	
	<b>Examiner</b> Agnes Dobrowolski	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11/12/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 14 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to Application No. 10/712973 files on 11/12/2003. Claims 1-34 are pending and have been examined.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Shultz et al. (US Pub No. 2002/0010584).

**Claim 1.** Shultz teaches, a method of providing a multi-media interactive promotional experience, said method comprising:

creating a visual component associated with a concept, product or service being promoted; **(Interactive communication and entertainment network or system for a user to communicate and interact with a representation of celebrities (for example, famous**

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**personalities, athletes, politicians, authors, entertainers, fictional characters, animated and cartoon characters) by telephone, audio, video, CD, DVD, wireless, Internet and remote kiosk. Paragraph 0007)**

providing a computer application having voice and speech recognition capabilities for animating said visual component so that said visual component is responsive to verbal input; and **(The invention utilizes voice response technology including speech recognition and natural language software to detect and interpret a comment by the user as an inquiry to the celebrity. Paragraph 0007)**

installing said application on a user device adapted to display said interactive visual component and receive verbal input from said user. **(That speech is then detected using speech recognition programs and interpreted using natural language processing so that the user's true question or inquiry can be determined. Once that inquiry is determined it is processed along with the stored data to generate a celebrity response to the inquiry which is then provided to the user in the celebrity's own voice. Paragraph 0008)**

**Claim 2.** Shultz teaches, the method of Claim 1, wherein the visual component is selected from the group consisting of a product character, an animated trademark, a corporate logo, a product representation and a product spokesman character. **(interact with a representation of celebrities (for example, famous personalities, athletes, politicians, authors, entertainers, fictional characters, animated and cartoon characters) Paragraph 0007)**

**Claim 3.** Shultz teaches, the method of Claim 1, wherein the computer application includes a screen saver. **(Fig 1. and 2. Interactive Screen Savers step 5)**

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**Claim 4.** Shultz teaches, the method of Claim 1, which includes providing a hyperlink to a website in response to said verbal input. **(The user can also be hyper-linked to the celebrity's official website (e.g. [www.britneyspears.com](http://www.britneyspears.com)) for more information or to other affiliate sites to purchase products or play games. Paragraph 0141)**

**Claim 5.** Shultz teaches, the method of Claim 1, which includes performing tasks in a computer operating environment in response to verbal input by the visual component. **(Fig. 6)**

**Claim 6.** Shultz teaches, the method of Claim 1, wherein the user device is a computer. **(Fig. 6)**

**Claim 7.** Shultz teaches, an audio-visual interactive promotion comprising:

a visual component associated with a concept, product or service being promoted;

**(Interactive communication and entertainment network or system for a user to communicate and interact with a representation of celebrities (for example, famous personalities, athletes, politicians, authors, entertainers, fictional characters, animated and cartoon characters) by telephone, audio, video, CD, DVD, wireless, Internet and remote kiosk. Paragraph 0007)**

a software application having voice and speech recognition capabilities for animating said visual component so that said visual component is responsive to verbal input; and **(The invention utilizes voice response technology including speech recognition and natural language software to detect and interpret a comment by the user as an inquiry to the celebrity. Paragraph 0007)**

a user device adapted to display said interactive visual component and to receive said verbal input from said user. **(That speech is then detected using speech recognition programs and interpreted using natural language processing so that the user's true question or**

**inquiry can be determined. Once that inquiry is determined it is processed along with the stored data to generate a celebrity response to the inquiry which is then provided to the user in the celebrity's own voice. Paragraph 0008)**

**Claim 8.** Shultz teaches, the promotion of Claim 7, wherein the visual component is selected from the group consisting of a product character, an animated trademark, a corporate logo, a product representation and a product spokesman character. **(interact with a representation of celebrities (for example, famous personalities, athletes, politicians, authors, entertainers, fictional characters, animated and cartoon characters); Paragraph 0007)**

**Claim 9.** Shultz teaches, the promotion of Claim 7, wherein the response to Verbal input by the visual component includes providing a hyperlink to a web-site. **(The user can also be hyper-linked to the celebrity's official website (e.g. [www.britneyspears.com](http://www.britneyspears.com)) for more information or to other affiliate sites to purchase products or play games. Paragraph 0141)**

**Claim 10.** Shultz teaches, the promotion of Claim 7, wherein the response to verbal input by the visual component includes performing at least one software-related task for each recognized voice command of the user. **(Fig. 6)**

**Claim 11.** Shultz teaches, the promotion of Claim 7, wherein the voice interactive application includes promotional instruction. **(The user can also be hyper-linked to the celebrity's official website (e.g. [www.britneyspears.com](http://www.britneyspears.com)) for more information or to other affiliate sites to purchase products or play games. Paragraph 0141)**

**Claim 12.** Shultz suggests the promotion of Claim 11 includes an educational lesson. **(A Features of the community site include: Games, Contests, Trivia, etc.--StarStakes; Polls,**

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**surveys and voting for favorites; Links to make purchases from affiliate partners; Updated messages from stars from Stars Soap Box (downloadable); Live scheduled Video chats with stars; Celebrity Auction with part of proceeds going to charity; Star screen savers that interact--celebrities tell time, welcome, you've got mail, etc.; Paragraph 0150)**

**Claim 13.** Shultz teaches, the promotion of Claim 11, wherein the promotional instruction includes product information. **(Features of the community site include: Games, Contests, Trivia, etc.—StarStakes; Polls, surveys and voting for favorites; Links to make purchases from affiliate partners; Paragraph 0150)**

**Claim 14.** Shultz teaches, the promotion of Claim 7, wherein the software application includes a screen saver. **(Fig 1. and 2. Interactive Screen Savers step 5)**

**Claim 15.** Shultz teaches, the promotion of Claim 7, wherein the user device is a computer. **(Fig. 6)**

**Claim 16.** Shultz teaches, a method of promoting a concept, product or business, said method comprising:

recording a first voice input from a consumer user; storing features of said first voice input; receiving a second voice input from a consumer user; determining if said second voice input is the same as the first voice input; **(Voice Recognition: Unisys' Natural Language System may serve as the main voice recognition technology used in all of the star products. A company like Nuance or SpeechWorks can provide Speech Recognition (SR) software to retrieve the phonemes for the Natural Language (NL) to filter and process. A company like Phillips will supply voice recognition services for multi-language support and VoiceXML interfacing. Paragraph 0048)**

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activating a voice interactive application if said second voice input is the same as the first voice input, wherein said voice interactive application is based on a theme promoting said concept, product or business; **(Voice recognition is delivered via the StarPlayer whereby, using a combination of voice recognition and response technology and streaming audio and video, users can hold a "virtual" audio-visual conversation with certain Personalities featured on the Internet Website, wireless or remote kiosk. This application allows the user to access updated information from the Internet and link to other related information resources. Paragraph 0033)**

displaying to the consumer user a visual component, wherein said visual component is associated with the promoted concept, product, or business, and wherein said visual component is adapted to interact with a recognized voice command of the consumer user; and **(interact with a representation of celebrities (for example, famous personalities, athletes, politicians, authors, entertainers, fictional characters, animated and cartoon characters); Paragraph 0007)**

performing at least one predetermined task associated with the recognized voice command of the consumer user. . **(The screen saver itself is voice-enabled so that the user can ask questions like, "What time is it?--"Do I have new mail" etc., and a response to the user's question is generated in the celebrity's voice. Computer-generated Steps 6 through 9 are similar to the operations with the same name in FIG. 2. Paragraph 0143)**

**Claim 17.** Shultz teaches, the method of Claim 16, wherein the voice interactive application includes a screen saver. **(Fig 1. and 2. Interactive Screen Savers step 5)**



**Claim 18.** Shultz teaches, the method of Claim 16, which includes instructing the consumer user through the visual component, wherein the visual component, is selected from the group consisting of a product character, an animated trademark, a corporate logo, a product representation and a product spokesman character. **(interact with a representation of celebrities (for example, famous personalities, athletes, politicians, authors, entertainers, fictional characters, animated and cartoon characters) Paragraph 0007)**

**Claim 19.** Shultz suggests the method of Claim 18, wherein instructing the consumer user includes providing a voice interactive educational lesson. **(Features of the community site include: Games, Contests, Trivia, etc.—StarStakes; Polls, surveys and voting for favorites; Links to make purchases from affiliate partners; Paragraph 0150)**

**Claim 20.** Shultz teaches, the method of Claim 18, wherein instructing the consumer user includes providing voice interactive product information. **(Voice and 3D Animation Enabled E-commerce Paragraph 0066)**

**Claim 21.** Shultz teaches, the method of Claim 16, which includes customizing the voice interactive application to a consumer user. **(The user database will house all of the user profile data including preferences, interactive sessions. This database will be the primary source for our Data mining efforts. Market analysis reports will be constructed based on the user experience in the StarPlayer system as it related to voice navigation and voice interactivity. Paragraph 0014)**

**Claim 22.** Shultz teaches, the computer program product of Claim 16, which includes updating the voice interactive application. **(Once on the website, the user's questions or commands guide him and he controls his own experience. The user navigates through the**

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website by using simple voice commands like, "Take me to the music area" and "I want to talk with Britney Spears." For example, the user can then watch a full motion video streamed image of Britney welcoming him to ask her a variety of questions. Paragraph 0141)

**Claim 23.** Shultz teaches, a method for business promotion, comprising the steps of: providing a device adapted to operate a voice interactive application wherein the device is capable of prompting, receiving and processing voice input; **(Interactive communication and entertainment network or system for a user to communicate and interact with a representation of celebrities (for example, famous personalities, athletes, politicians, authors, entertainers, fictional characters, animated and cartoon characters) by telephone, audio, video, CD, DVD, wireless, Internet and remote kiosk. Paragraph 0007)** receiving a voice command into the device; and activating the voice interactive application, wherein the voice interactive application is adapted to include interaction with a consumer user through a visual component.

providing a computer application having voice and speech recognition capabilities for animating said visual component so that said visual component is responsive to verbal input; and **(That speech is then detected using speech recognition programs and interpreted using natural language processing so that the user's true question or inquiry can be determined. Once that inquiry is determined it is processed along with the stored data to generate a celebrity response to the inquiry which is then provided to the user in the celebrity's own voice. The invention utilizes voice response technology including speech recognition and natural**

**language software to detect and interpret a comment by the user as an inquiry to the celebrity. Paragraph 0007)**

installing said application on a user device **(by telephone, audio, video, CD, DVD, wireless, Internet and remote kiosk. Paragraph 0007)** adapted to display said interactive visual component and receive verbal input from said user.

**Claim 24.** Shultz teaches, The method of business promotion of Claim 23, wherein the product character of said voice interactive application performs at least one task associated with a recognized voice command. **(The screen saver itself is voice-enabled so that the user can ask questions like, "What time is it?—"Do I have new mail" etc., and a response to the user's question is generated in the celebrity's voice. Computer-generated Steps 6 through 9 are similar to the operations with the same name in FIG. 2. Paragraph 0143)**

**Claim 25.** Shultz teaches, the method of business promotion of Claim 23, wherein the voice interactive application for business promotion includes instructing the consumer user through the product character. **(The screen saver itself is voice-enabled so that the user can ask questions like, "What time is it?—"Do I have new mail" etc., and a response to the user's question is generated in the celebrity's voice. Computer-generated Steps 6 through 9 are similar to the operations with the same name in FIG. 2. Paragraph 0143)**

**Claim 26.** Shultz suggests the method of business promotion of Claim 25, wherein instructing the consumer user includes providing a voice interactive educational lesson. **(A Features of the community site include: Games, Contests, Trivia, etc.--StarStakes; Polls, surveys and voting for favorites; Links to make purchases from affiliate partners; Updated messages from stars from Stars Soap Box (downloadable); Live scheduled Video chats with**

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stars; Celebrity Auction with part of proceeds going to charity; Star screen savers that interact--celebrities tell time, welcome, you've got mail, etc.; Paragraph 0150)

**Claim 27.** Shultz teaches, the method of business promotion of Claim 25, wherein instructing the consumer user includes providing voice interactive product information.

**(Features of the community site include: Games, Contests, Trivia, etc.--StarStakes; Polls, surveys and voting for favorites; Links to make purchases from affiliate partners; Paragraph 0150)**

**Claim 28.** Shultz teaches, the method of business promotion of Claim 23, wherein the voice interactive application for business promotion includes a screen saver. **(Fig 1. and 2. Interactive Screen Savers step 5)**

**Claim 29.** Shultz teaches, the method of business promotion of Claim 23, which includes customizing the voice interactive application to the consumer user. **(The user database will house all of the user profile data including preferences, interactive sessions. This database will be the primary source for our Data mining efforts. Market analysis reports will be constructed based on the user experience in the StarPlayer system as it related to voice navigation and voice interactivity. Paragraph 0014)**

**Claim 30.** Shultz teaches, the method of business promotion of Claim 23, which includes updating the voice interactive application. **(Voice recognition is delivered via the StarPlayer whereby, using a combination of voice recognition and response technology and streaming audio and video, users can hold a "virtual" audio-visual conversation with certain personalities featured on the Internet Website, wireless or remote kiosk. This**

**application allows the user to access updated information from the Internet and link to other related information resources. Paragraph 0033)**

**Claim 31.** Shultz teaches, a computer program product on a media that is stored on a device adapted to operate a voice interactive screen saver for business promotion, the computer program product comprising: **(interact with a representation of celebrities (for example, famous personalities, athletes, politicians, authors, entertainers, fictional characters, animated and cartoon characters; Paragraph 0007)**

computer readable code means for storing data representing the voice interactive screen saver; **(The Stars 1-to-1 StarDisc or StarPass are applicable to wireless devices enabling users to have a voice and/or voice-visual interaction with a celebrity or Avatar. Avatar, as used herein, refers to a virtual image or other sensory representation of an actual or artificial person, personality or character. Paragraph 0166)**

computer readable code means for executing a plurality of commands to activate the voice interactive screen saver; and **(The interaction can be driven over any wireless device including but not limited to cell phones, PDAs, laptops, etc. Paragraph 0166)**

computer readable code means for running the voice interactive screen saver.  
**(Users can link up to the Internet for updated information driven by pre-recorded responses or text to speech responses. Paragraph 0166)**

**Claim 32.** Shultz teaches, an apparatus for business promotion comprising a device adapted to operate a voice interactive screen saver. **(The Stars 1-to-1 StarDisc or StarPass are applicable to wireless devices enabling users to have a voice and/or voice-visual interaction with a celebrity or Avatar. Avatar, as used herein, refers to a virtual image or other**

**sensory representation of an actual or artificial person, personality or character.**

**Paragraph 0166)**

**Claim 33.** Shultz teaches, the apparatus of claim 32, wherein the apparatus is employed within a system for business promotion. **(Voice and 3D Animation Enabled E-commerce Paragraph 0066)**

**Claim 34.** Shultz teaches, a method for business promotion, comprising the steps of: providing a device adapted to operate a voice interactive screen saver wherein the device is capable of prompting, receiving and processing voice input; inputting a voice command into the device; and activating the voice interactive screen saver. **(The Stars 1-to-1 StarDisc or StarPass are applicable to wireless devices enabling users to have a voice and/or voice-visual interaction with a celebrity or Avatar. Avatar, as used herein, refers to a virtual image or other sensory representation of an actual or artificial person, personality or character. Paragraph 0166)**

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. Koch et al. (US Patent 6,687,341)
5. Madan et al. (US Patent 6,581,035)
6. Cohen et al. (US Patent 6,859,776)

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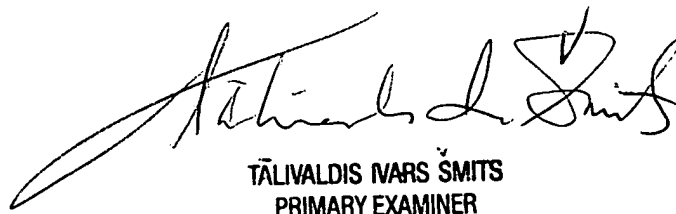
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agnes Dobrowolski whose telephone number is 571-270-1453.

The examiner can normally be reached on M-F 9AM- 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AD



TĀLIVALDIS MĀRS ŠMITS  
PRIMARY EXAMINER